

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: In the Matter of Petition Of Tennessee)
UNE-P Coalition To Open Contested Case) Docket No. 02-00207
Proceeding To Declare Unbundled Switching)
An Unrestricted Unbundled Network Element)
)

RESPONSE OF XO TENNESSEE, INC. TO MOTION TO COMPEL

XO Tennessee, Inc. ("XO") submits the following response to the Motion to Compel Responses to Data Requests filed by BellSouth Telecommunications, Inc. ("BellSouth").

XO reiterates that (a) XO is not a party to this proceeding, (b) BellSouth has no authority to serve discovery on XO and (c) the Tennessee Regulatory Authority ("TRA") cannot delegate to a private entity the Authority's statutory power to obtain information from regulated carriers.

XO has previously acknowledged that the TRA may obtain from XO, subject to appropriate confidentiality provisions, information the agency needs to carry out its statutory responsibilities. If the Hearing Officer determines that part or all of the information requested by BellSouth is needed by the agency to make a decision in this proceeding and directs XO to provide that information to the Authority subject to a protective order, XO will, of course, comply with that directive.

Some of the requested information is extremely confidential, however, and XO requests that, if XO is required to produce certain information, that information not be provided to other carriers unless XO's name is deleted. If XO is identified only as "CLEC A," for example, or if all the information provided by CLECs is distributed to the parties only in

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aggregate form, the information provided would be no less useful to the parties but XO's commercially sensitive information would remain protected.

Respectfully submitted,

XO TENNESSEE, INC.

By:

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w/perm. *rd*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 21 day of June, 2002.

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